

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Indiana

United States of America

v.

HEATHER BENTLEY

*Defendant(s)*

Case No.

3:20-MJ-134

2020 NOV 13 PM 2:50  
U.S. DISTRICT COURT CLERK  
NORTHERN DISTRICT  
OF INDIANA

FILED

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 4, 2020 in the county of Kosciusko in the  
Northern District of Indiana, the defendant(s) violated:

*Code Section*

18 U.S.C. § 922(a)(6)

*Offense Description*

Making a False Statement During the Purchase of a Firearm

This criminal complaint is based on these facts:

See attached affidavit of Rodney G. Laureys, Task Force Officer, Bureau of Alcohol, Tobacco, Firearms and Explosives.

☒ Continued on the attached sheet.

  
*Complainant's signature*

Rodney G. Laureys, TFO, ATF

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 11/13/2020

/s/Michael G. Gotsch, Sr.

*Judge's signature*

City and state: South Bend, Indiana

Michael G. Gotsch, Sr., U.S. Magistrate Judge

*Printed name and title*

**AFFIDAVIT**

I, Rodney G. Laureys, St. Joseph County Police Department, Task Force Officer (TFO) assigned to the Bureau of Alcohol, Tobacco, Firearms and Explosives, being sworn, deposes and states the following:

**INTRODUCTION**

I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since August of 2015. I have been a sworn police officer since July of 1995, and I have received training in police work to include patrol, firearms, investigations, defensive tactics, and multiple other law enforcement training. During my career as a law enforcement officer, I have investigated State violations of firearms, drugs and other violations at a State level. I am a SWAT officer with the St. Joseph County SWAT team as well as an instructor in firearms, physical tactics, and driving. Since August of 2015, I have been trained to investigate federal firearms violations. I have been involved in various types of electronic surveillance and in debriefing of defendants, witnesses, and informants. I am currently assigned to the South Bend Project Disarm Task Force. This group investigates violations of Federal firearms laws, as well as other violations relating to the possession or use of illegal firearms, and the use of firearms while engaged in drug distribution and the manufacture of illegal drugs in the Northern Judicial District of Indiana. In the course of business, ATF regularly receives calls and tips from concerned citizens; ATF

also receives referrals from local law enforcement agencies on Federal Firearms violators. ATF reviews and investigates this information and takes action based upon determining and substantiating that criminal activity has taken place.

Based on my training and experience, I know that Title 18, United States Code, Section 922(a)(6) provides that it is unlawful for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed firearms dealer to knowingly make any false or fictitious oral or written statement, intended or likely to deceive such dealer with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition.

### **PERSON TO BE ARRESTED**

I seek to arrest and criminally complain Heather BENTLEY (DOB: 10/XX/1985) for violations of Title 18, United States Code, Section 922(a)(6).

### **THE INVESTIGATION**

The information contained in this affidavit was developed during an investigation initiated by the Delafield, Wisconsin Police Department. This information was then provided to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Project Disarm Task Force. I have personally reviewed reports, spoken with investigators, and conducted interviews.

1. On November 10, 2020, I received information from ATF Special Agent Dalton Evertz in regards to a shooting in Delafield, Wisconsin. On

November 6, 2020, two police officers in Delafield were dispatched to a Holiday Inn Express for a disturbance. Upon arrival, the officers approached a vehicle matching the description from the earlier call and asked the driver (who will be referred to as "B.M.") to step out of the vehicle, which he did. B.M. was checked for weapons and placed in the back of a fully marked police vehicle. Once B.M. was secure, the officers then began to approach the vehicle to remove the passenger of the vehicle. The passenger (who will be referred to as "N.B.") jumped out of the vehicle and fired multiple rounds at the two officers, striking one in the thigh and the second officer in the hip, putting both officers down. One officer returned fire, missing N.B. N.B. then ran from the scene.

2. A short time later N.B. was located in a field and was taken into custody. A police K-9 was brought in to search for the firearm N.B. used in the shooting, as he had dropped the firearm during his flight. Through the use of the police K-9, officers located three total firearms.

3. The three firearms were traced, and investigators learned that two had been purchased on November 4, 2020 by Heather BENTLEY at Stock+Field, a federally licensed firearms dealer in Warsaw, Indiana, located in the Northern District of Indiana. Investigators learned that one firearm had been purchased on November 4, 2020 by Heather BENTLEY at ADT Firearms LLC, a federally licensed firearms dealer in Syracuse, Indiana, located in the Northern District of Indiana. The purchase date of November

4, 2020 meant that the shooting in Delafield was two days from gun purchase to time of crime. The two firearms purchased at Stock+Field were a Taurus Model Spectrum .380 caliber pistol (serial number 1F024707) and a Smith+Wesson Model SD40VE .40 caliber pistol (serial number FZP7798). The firearm purchased at ADT Firearms LLC was a Smith+Wesson Model M+P Shield 9 millimeter pistol (serial number JEJ0716).

4. I obtained copies of the ATF 4473 Forms completed by BENTLEY both at Stock+Field and at ADT Firearms LLC on November 4, 2020. On both forms, BENTLEY answered “yes” to question 21.a.: “are you the actual transferee/buyer of the firearm(s) listed on this form.” The question is followed by the notification: “Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.” On both forms, BENTLEY signed her name under the notification that “I certify that my answers in Section B are true, correct, and complete. . . . I understand that answering ‘yes’ to question 21.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law.”

5. I interviewed BENTLEY regarding her purchase of these firearms. BENTLEY stated that B.M. gave her the cash to make the purchases of the firearms. BENTLEY stated that she knew that B.M. and N.B. were both convicted felons, as they had spent time together in prison.

BENTLEY stated that N.B. had recently committed a murder in North Dakota and was fleeing from law enforcement. BENTLEY stated that B.M. told her that he and N.B. needed protection, and that is why he wanted her to purchase the firearms for them. BENTLEY then drove B.M. and N.B. to the Stock+Field store in Warsaw, Indiana, to purchase the firearms. BENTLEY was given a total of \$1,600.00 cash to purchase three firearms. I found video surveillance of BENTLEY and B.M. in the Stock+Field store looking at firearms, with B.M. indicating to BENTLEY which firearms she should purchase. BENTLEY stated that she filled out the ATF Form 4473 and lied about being the transferee, as she was giving the firearms to B.M. and N.B.

6. After BENTLEY purchased the Taurus .380 caliber pistol and the Smith+Wesson .40 caliber pistol from Stock+Field, BENTLEY walked out of the store to her vehicle and handed the firearms through the rear window to N.B. This is also captured on video surveillance.

7. A short time later on November 4, 2020, BENTLEY then drove with B.M. to ADT Firearms LLC in Syracuse, Indiana. There, again at B.M.'s direction, BENTLEY purchased the Smith+Wesson 9 millimeter pistol. During her interview, BENTLEY indicated that she handed the firearm to B.M. once they left ADT Firearms LLC.

8. BENTLEY's false statements on both the ATF Form 4473 at Stock+Field and the ATF Form 4473 at ADT Firearms LLC deceived the respective firearms dealers with respect to a fact material to the lawfulness

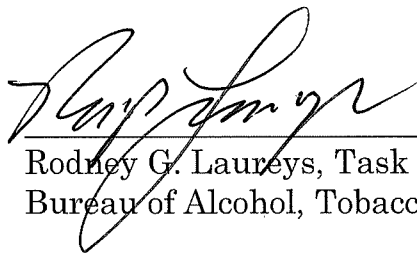
of the sale of the firearms to BENTLEY.

9. BENTLEY stated that they returned to her residence in Warsaw, Indiana, where B.M. and N.B. test fired the firearms. BENTLEY stated that B.M. and N.B. left her residence and took all three firearms with them. Later BENTLEY learned that the firearms were used in the shooting in Delafield, Wisconsin.

### CONCLUSION

Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of an arrest warrant and a complaint charging Heather BENTLEY with violations of Title 18, United States Code, Section 922(a)(6), it does not contain all information known to me concerning this investigation.

Further your affiant sayeth not.



Rodney G. Laureys, Task Force Officer  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn before me  
This 13<sup>th</sup> day of November, 2020.

/s/Michael G. Gotsch, Sr. \_\_\_\_\_  
Honorable Michael G. Gotsch, Sr.  
Magistrate Judge  
Northern District of Indiana  
South Bend Division